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10/506,401	09/01/2004	Roy Irwan	NL 020168	8472

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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/506,401	Applicant(s) IRWAN, ROY	
	Examiner Corey P. Chau	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
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DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 2 recites the limitation "the changing means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5257313 to Fujishita et al. (hereafter as Fujishita).
6. Regarding Claim 1, Fujishita discloses a multi-channel audio conversion system, comprising

audio mode converting means having a signal input and a signal output for converting audio input signals to audio output signals representing audio in a first audio output mode and in a second audio output mode (abstract; Fig. 2; column 4, line 54 to column 5, line 25; column 5, line 57 to column 7, line 24),

characterized in that the audio mode converting means comprises means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system (abstract; Fig. 2; column 3, line 56 to column 4, line 7; column 4, lines 46-53).

7. Regarding Claim 2, Fujishita discloses that the changing means of the audio mode converting means defines a conversion matrix comprising one or more user controlled functions (abstract; Fig. 2; column 3, line 56 to column 4, line 7; column 4, lines 46-53).

8. Regarding Claim 3, Fujishita discloses that the user controlled functions are also dependent on one or more of the following quantities: (a) the respective magnitudes of the audio input signals and/or audio output signals; (b) the respective frequency spectra and/or spectral distribution of spectral components of the audio input signals and/or audio output signals; and/or (c) the type of audio, including speech, movie mode, and the kind of music (abstract; Fig. 2; column 3, line 56 to column 4, line 7; column 4, lines 46-53).

9. Regarding Claim 4, Fujishita discloses that at least one of the user controlled functions is dependent on one variable (abstract; Fig. 2; column 3, line 56 to column 4, line 7; column 4, lines 46-53).

10. Regarding Claim 5, Fujishita discloses that the value of the one variable ranges between 0 and 1 (i.e. the value of the one variable of Fujishita is capable of being 0).

11. Regarding Claim 7, Fujishita discloses the multi-channel audio system has three or more audio output channels for presenting the audio output signals (abstract; Fig. 2).

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12. Claim 8 is essentially similar to Claim 1 and is rejected for the reasons stated apropos to Claim 1.

13. Claim 9 is essentially similar to Claim 3 and is rejected for the reasons stated apropos to Claim 3.

14. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0076066 Yabe et al. (hereafter as Yabe).

15. Regarding Claim 1, Yabe discloses a multi-channel audio conversion system, comprising

audio mode converting means having a signal input and a signal output for converting audio input signals to audio output signals representing audio in a first audio output mode and in a second audio output mode (abstract; Fig. 1; page 2, paragraphs 0027-0030),

characterized in that the audio mode converting means comprises means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system (abstract; Fig. 1; page 2, paragraphs 0027-0030).

16. Regarding Claim 2, Yabe discloses that the changing means of the audio mode converting means defines a conversion matrix comprising one or more user controlled functions (abstract; Fig. 1; page 2, paragraphs 0027-0030).

17. Regarding Claim 3, Yabe discloses the user controlled functions are also dependent on one or more of the following quantities: (a) the respective magnitudes of

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the audio input signals and/or audio output signals; (b) the respective frequency spectra and/or spectral distribution of spectral components of the audio input signals and/or audio output signals; and/or (c) the type of audio, including speech, movie mode, and the kind of music (abstract; Fig. 1; page 2, paragraphs 0027-0030).

18. Regarding Claim 4, Yabe at least one of the user controlled functions is dependent on one variable (abstract; Fig. 1; pages 2-3, paragraphs 0027-0030; pages 3-4; paragraph 0039-0045).

19. Regarding Claim 5, Yabe discloses that the value of the one variable ranges between 0 and 1 (i.e. the value of the one variable of Yabe is capable of being 0).

20. Regarding Claim 7, Yabe discloses the multi-channel audio system has three or more audio output channels for presenting the audio output signals (abstract; Fig. 1).

21. Claim 8 is essentially similar to Claim 1 and is rejected for the reasons stated apropos to Claim 1.

Claim 9 is essentially similar to Claim 3 and is rejected for the reasons stated apropos to Claim 3.

22. Claim 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6167140 to Watanabe.

23. Regarding Claim 1, Watanabe discloses a multi-channel audio conversion system, comprising

audio mode converting means having a signal input and a signal output for converting audio input signals to audio output signals representing audio in a first audio

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output mode and in a second audio output mode (abstract; Figs. 1-4; column 4, line 49 to column 5, line 24; column 6, lines 1-5),

characterized in that the audio mode converting means comprises means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system (abstract; Figs. 1-4; column 4, line 49 to column 5, line 24; column 6, lines 1-5).

24. Regarding Claim 2, Watanabe discloses that the changing means of the audio mode converting means defines a conversion matrix comprising one or more user controlled functions (abstract; Figs. 1-4; column 4, line 49 to column 5, line 24).

25. Regarding Claim 3, Watanabe discloses the user controlled functions are also dependent on one or more of the following quantities: (a) the respective magnitudes of the audio input signals and/or audio output signals; (b) the respective frequency spectra and/or spectral distribution of spectral components of the audio input signals and/or audio output signals; and/or (c) the type of audio, including speech, movie mode, and the kind of music (abstract; Figs. 1-4; column 4, line 49 to column 5, line 24; column 6, lines 1-59).

26. Regarding Claim 4, Watanabe at least one of the user controlled functions is dependent on one variable (abstract; Figs. 1-4; column 4, line 49 to column 5, line 24; column 6, lines 1-59).

27. Regarding Claim 5, Watanabe discloses that the value of the one variable ranges between 0 and 1 (abstract; Figs. 1-4; column 5, lines 12-24; column 5, line 66 to column 6, line 5).

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28. Regarding Claim 7, Watanabe discloses the multi-channel audio system has three or more audio output channels for presenting the audio output signals (abstract; Figs. 1-4).

29. Claim 8 is essentially similar to Claim 1 and is rejected for the reasons stated apropos to Claim 1.

30. Claim 9 is essentially similar to Claim 3 and is rejected for the reasons stated apropos to Claim 3.

Response to Arguments

31. Applicant's arguments filed 1/22/2007 have been fully considered but they are not persuasive.

32. With respect to Applicant's argument on page 6, stating that "Fujishita et al. neither discloses nor suggest the changing changing means of the subject invention", has been noted. However, the examiner respectfully disagrees. Applicant discloses "the audio mode converting means comprises means for smoothly and continuously changing fro the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system", but does not clearly define in the claim "means for smoothly and continuously changing fro the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system", which the examiner can broadly interpret that limitation in any manner consistent with the limitation, such as the switch between the audio output modes by the user control as discloses in Fujishita, which reads on "the audio mode

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converting means comprises means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system”.

33. With respect to Applicant's argument on page 6, stating that “Applicants have reviewed the Yabe et al. publication and have not found that there is disclosure of converting the audio input signals into audio output signals in at least two audio output modes. Furthermore, Applicants submit that Yabe et al. neither discloses nor suggests “means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system”.”, has been noted. However, the examiner respectfully disagrees. Applicant discloses “a first audio output mode” and “a second audio output mode”, but does not clearly define in the claim what is the “first audio output mode” and the “second audio output mode”, which the examiner can broadly interpret that limitation in any manner consistent with the limitation, such as the volume control button and balance control button of Yabe, which is manipulated by the used for controlling the audio output signals (i.e. plurality of audio output modes), which reads on the “first audio output mode” and the “second audio output mode”. Furthermore, Applicant discloses “the audio mode converting means comprises means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system”, but does not clearly define in the claim “means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system”,

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which the examiner can broadly interpret that limitation in any manner consistent with the limitation, such as the volume control button and balance control button of Yabe used by the user to manipulate the audio output signals, which reads on "the audio mode converting means comprises means for smoothly and continuously changing from the first audio output mode to the second audio output mode under control of a user of the multi-channel audio conversion system".

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5199075 to Fosgate discloses a surround sound loudspeakers and processor.

USPAPN 20010022841 to Motojima et al. discloses a sound system.

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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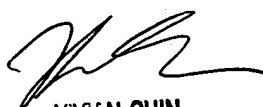
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is 571-272-7514. The examiner can normally be reached on Monday-Friday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 16, 2007
CPC


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4/16/07